

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. Glen McGrail Mitchell

Docket No. 2:04-CR-11-1BO

Petition for Action on Supervised Release

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Glen McGrail Mitchell, who, upon an earlier plea of guilty to Possession With Intent to Sell and Distribute More Than 5 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 15, 2005, to the custody of the Bureau of Prisons for a term of 75 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Glen McGrail Mitchell was released from custody on April 4, 2008, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 29, 2011, the defendant was charged by the North Carolina Highway Patrol in Pasquotank County with Driving While Impaired. Mitchell was administered a breath test in which he registered an alcohol content of .12. The defendant reported the incident to the probation office, stating he was returning from a friend's residence when he encountered a law enforcement checkpoint. Mitchell has accepted responsibility for his actions and assures that this is an isolated incident. The defendant has retained counsel to represent him in state court, where the matter remains pending (11CR50774). The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall immediately serve three days of intermittent confinement in the custody of the Bureau of Prisons, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: July 5, 2011

ORDER OF COURT

Considered and ordered this 11 day of July, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge